LETTER

FROM

HON. C. C. CLAY, JR.

WASHINGTON, *May* 21, 1860.

MY DEAR SIR: Severe illness, which has confined me to my room for ten days, has prevented my answering your letter sooner. And such is my prostration at this time that I feel I am not equal to the mental or physical effort necessary to reply fully to each of the questions you suggest. The action of our delegates in the Charleston Convention meets my cordial approval. It evinced a fidelity to principle and an unconquerable intrepidity in its maintenance that merits the admiration and gratitude of every true Southern heart. I am happy to state that their course is approved by nearly all the Senators of the seceding States (I am not sure that I should except one) and a large majority of the Representatives of those States. I know it it is approved by four of my colleagues—Messrs. Moore, Curry, Clopton, and Pugh.

They claimed the right of the citizens of the South to carry and hold slaves in any of the common Territories of the United States during their territorial status. If they have such right, it seems an obvious and inevitable corollary that neither Congress nor a territorial legislature can prohibit, destroy, or impair it.

To admit the *right*, and yet assert the power in a territorial government to prevent its enjoyment, is to deny that the Southern people are entitled to the protection of their common Federal Government, and to concede that the many of the North may rob the few of the South whenever they meet on their joint domain—the Territories of the United States. Such is squatter or territorial sovereignty.

It differs not so much in kind as in degree from black republicanism. The latter concedes that Congress may confer on a territorial legislature the power to exclude slave property, but also asserts the power and duty of congressional interposition to exclude it. Whilst both are fatal to us in practice, the doctrine of the black-republicans has certainly the advantage in consistency of logic and openness of purpose. Mr. Lincoln (the Chicago nominee for President) and his supporters maintain that the extension of slavery into the Territories is contrary to the principles of the Federal Constitution and the purpose of its framers; and, therefore, that we have no right to carry and hold slaves in them, and that Congress has the power, and is bound by the Constitution, to prohibit the use and enjoyment of such property in them; or that it may confer that power and enjoin that duty on a territorial legislature. If they expound

the Constitution and explain the design of its framers correctly, the South cannot complain of the exclusion of slave property from the Territory by Congress or a territorial legislature. Judge Douglas and his followers deny that the Constitution forbids our carrying or holding slaves in the Territories, or that such was the purpose of its framers, or that it is the duty of Congress to prevent our doing so, yet assert that the mere creature of Congress, a territorial legislature, "can, *by lawful means*, exclude slavery from their limits prior to the formation of the State constitution," and, "NO MATTER WHAT THE DECISION OF THE SUPREME COURT MAY BE ON THAT ABSTRACT QUESTION, STILL THE RIGHT OF THE PEOPLE TO MAKE IT A SLAVE TERRITORY OR A FREE TERRITORY IS PERFECT AND COMPLETE UNDER THE NEBRASKA BILL." Thus our constitutional rights, as expounded by the United States Supreme Court, *are* to be snatched from us by squatter sovereigns in all the Territories. Can any dogma be more absurd, illogical, or unjust? To deny a right and prevent its enjoyment may be only a wrong; but to admit the right and prevent its enjoyment is adding insult to injury. If this doctrine be conceded by the South, fanaticism will surely exclude her from all the Territories with emigrant hirelings, as was done in Kansas. Black-republicans will compromise on it; indeed, Ely Thayer and other prominent members of that party are as ardent advocates of territorial sovereignty as Judge Douglas, because, as they allege, it will prove as efficient in freesoiling the Territories as congressional prohibition. Hence the favor with which his nomination is regarded by leading presses and persons of the Republican party; the assertion of his Northern democratic friends that he will gain as many votes in the North as he will lose in the South, if nominated, and their adherence to him and resistance of the Southern and Pacific States' platform at Charleston. They urge us not to insist upon our equality in the Union, our right to enter and occupy the public domain with our property, and the duty of our common Federal Government to protect us in its use and enjoyment against fraud, violence, or the legislation of territorial governments, for the sake of the peace, harmony, and triumph of the democratic party!

The Northern people dislike our negro property; therefore we should not claim its protection in common Territories won, to say the least of it, equally by the prowess of our arms and the contribution of our treasure. The black-republicans base their refusal to give this protection upon the assumption that the Federal Constitution does not recognise slaves as property, and that slavery owes its existence and maintenance exclusively to State laws.

Now, Judge Douglas concurs with black-republicans in refusing protection by the Federal Government, not upon the ground, however, that the Constitution does not recognise slaves as property. But admitting that to be true, he co-operates in the denial, holding that "IT MATTERS NOT WHAT WAY THE SUPREME COURT MAY HEREAFTER DECIDE AS TO THE ABSTRACT QUESTION WHETHER SLAVERY MAY OR NOT GO INTO A TERRITORY UNDER THE CONSTITUTION, THE PEOPLE HAVE THE LAWFUL MEANS TO INTRODUCE IT OR EXCLUDE IT AS THEY PLEASE, FOR THE REASON THAT SLAVERY CANNOT EXIST A DAY OR AN HOUR WITHOUT LOCAL POLICE REGULATIONS!"

The black-republicans would countenance the destruction of our property everywhere outside of the States where it is sustained by law—the Douglasites would countenance its destruction in the common territories, if they

had the control of the Federal Government. And yet we are to be told that if we do not support Douglas we must take Lincoln.

The South will hurl contempt upon the miserable alternative.

The fifteen slaveholding and the two Pacific States united on a platform, asserting that all property within any of the States may be carried into the Territories and held there, and that the Federal Government should, through all of its departments, protect it there, when necessary, until the sovereignty of the people therein is acknowledged by their admission into the Union as a State. A proposition so simple and so just none could misunderstand or should deny. It had the support of a majority of States —of the only democratic States (according to the last general election)— and of the real majority of all the delegates. The apparent majority of votes that defeated it was obtained by a rule artfully sprung upon the Convention and inconsiderately adopted, the operation of which was to deprive us of votes in New York, New Jersey, Indiana, and other Northern States, that would have changed the result. The proposition laid down in that platform is maintained by the opinion of the Supreme Court; by every democratic Senator in Congress, excepting only Mr. Douglas and Mr. Pugh; by the President, Vice President, and Cabinet; by all the Southern Representatives in Congress, excepting, I believe, not more than six; and by the Administration democracy of the Northern States.

It has been maintained by each democratic convention of the State of Alabama, assembled in '48, '52, '56, and '60; by the last two opposition conventions of the State; by the unanimous vote of the senate of our Legislature. It is not denied by more than three presses, I believe, in the State. In the last democratic convention, out of more than 450 delegates, only 12 votes were cast against it. No proposition has ever received a support more nearly approaching unanimity by any free people than that has received in the Southern States, and especially in Alabama. The reason is obvious: All governments are framed and instituted to protect persons and property, and none can refuse it without dishonoring itself and wronging its citizens and forfeiting their allegiance.

Shall the united South, backed by the Pacific States, the United States Supreme Court, and the Federal Administration, and the sound democracy of all the non-slaveholding States, agree to make her citizens and their property an exception to the general rule of all the civilized governments of earth? If she does she will sacrifice her equality in the Union, her rights, her honor, and her future welfare. She will sacrifice every true friend she has in the North, and prostrate every barrier to the progress of black-republicanism. She will lose the respect of both her friends and her enemies, and can never regain it.

And for what shall we make so great a sacrifice? Those Northern democrats who deny us this mere modicum of justice assure us that we can thereby elect Judge Douglas to the presidency, and protest that we cannot defeat the black-republicans with any other candidate, or upon any other platform than that adopted at Cincinnati, which may be construed in opposite ways, so as to please the pro-slavery South and the anti-slavery North.

What would the South gain by his election? As President he would be in honor bound to veto any bill that Congress might pass to protect slave property in any organized Territory, however indispensable to prevent its confiscation by the mere force of the majority of inhabitants, notwithstanding the United States Supreme Court should decide that such legislation was necessary and proper to secure a constitutional right of

the slaveholder; for he maintains that the South and North are pledged that Congress shall not intervene, and that, despite the Supreme Court, the people of the Territories may, by lawful means, exclude slavery from their limits.

Is there anything in his congressional course, even, outside of the slavery issues, that makes his election desirable to the South? Let us see. All the questions that come before Congress, except that of slavery, (which of late years has been brought into all of them,) may be classed under one of two heads: the acquisition of property and the disposition of property by the Federal Government. Under the former, the collection of revenue and the purchase of territory may be classed; under the latter, the disposition of the territory or public domain and the various modes of disbursing revenue. If Judge Douglas or the black-republicans prevail in maintaining (as he did in his Freeport speech) "that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations," the South must, in self-defence, oppose all future acquisitions of territory on this continent. According to this dogma, no slaveholder can safely venture into any territory with a slave, until either its legislature or Congress has provided laws for the protection of such property. In other words, he must have notice and invitation to come, by the enactment of a slave code. This, Judge Douglas and the black-republicans would not let Congress do. To believe that the non-slaveholders who first gather in such Territories from the North or foreign lands, with their educational prejudices against negro slavery, would invite it in by "local police regulations" for its protection, is to credit a violent presumption, contradicted by our experience of human nature and the history of California, Oregon, and Kansas.

Now his policy is to annex all the territory that we can fairly obtain on this continent. Is it not plain that every such addition, with the aid of his free soil heresy of territorial sovereignty, will increase the power of the North and impair that of the South?

Our policy is to restrain Congress from disposing of either land or money in gratuities or bounties or monopolies, and confine its grants of both to the few plain and undisputed purposes suggested in the Constitution; for our legislative history, as that of all other countries, shows that power will aggrandize itself, whenever unrestrained by law, and the South, being in a minority in both houses of Congress, has no security against the exclusive use of both the land and treasure of the Union by the Northern majority, save in the strictest construction of the Constitution, and the enforcement of it by Congress or the President. Besides, the South contributes more than three-fourths of the revenue of the Government, and must, therefore, lose by any bounty system that does not return her three times what is given to the North; whereas that proportion has, heretofore, been reversed, and the North has gotten more than three times as much as the South, in internal improvements, pensions, and other bounties.

The practice of Judge Douglas has been to vote as liberal appropriations of land and money for almost any purpose as any federal whig, or black-republican, or other latitudinarian constructionist of the Constitution should desire.

He has voted for pension bills which, if adopted and followed as good precedents, would render the system quite as oppressive as that of Great Britain.

He voted for the Collins and other mail steamers enormous bounties, which have at last been quite broken down by Southern opposition.

He voted for the Atlantic telegraph bounty.

He favored the bill appropriating lands to Agricultural Colleges within the States, and would have voted for it, if present, when it passed the Senate, but paired off with Mr. TOOMBS, who was opposed to it, and would have voted against it. This land distribution measure—more obnoxious to constitutional objections than the land distribution bill vetoed by General Jackson—was vetoed by Mr. BUCHANAN.

He advocates and votes appropriations by Congress for internal improvements, such as Monroe, Jackson, Polk, Pierce, and BUCHANAN have vetoed. He supported appropriations for deepening the channel over the St. Clair flats, which have been vetoed by both Pierce and BUCHANAN. He has, this session, voted, almost alone among the democrats, with the entire black-republican Senators, for a preliminary motion in favor of such a bill, and, also, for a bill appropriating $50,000 to the harbor of Chicago, (his residence,) on which nearly $300,000 have already been spent by Congress. But for the vetoes of Pierce and BUCHANAN he and other supporters of such measures would have bankrupted the treasury.

He has been a constant supporter of the free-farm or homestead policy, having voted for it, in company with but one other Northern democrat, and all the black-republicans, against the entire Southern Senators, the other day, as a substitute for that miscalled homestead bill which passed the Senate. The substitute he voted for received but one Southern vote when it passed the House of Representatives.

All the above measures command the ardent support of the black-republicans, for they are a sectional party, striving to aggrandize the North and impoverish the South, conscious of the numerical majority of the former in Congress and of its ability to seize and sequester all the land and money subject to its control, if no constitutional hindrance be presented. They go for free farms-for free labor-for free men, believing, as they avow, that it will exclude negro slavery from all the Territories. It is the 13th plank of their Chicago platform. If Congress will offer 160 acres of land in any Territory of the United States to every squatter, native or foreign, to be exempt from taxes for five years, and from execution forever for any debt contracted prior to obtaining his patent, (as proposed in the homestead bill for which Judge Douglas voted,) and concede their legislature power to exclude the Southern man with his slave, it will certainly be done. Such squatter sovereignty will tempt hordes from the North and all Europe to rush into the Territories and soon secure for their use all the public domain worth having, even without the help of Emigrant Aid Companies throughout the North.

The black-republicans vote bounties for ocean steamers, for pensions, for internal improvements, &c., &c., because they know that the North has everything to gain and nothing to lose, and the South everything to lose and nothing to gain, by the exercise of powers of doubtful constitutionality, and by liberal grants of money or land, so long as the North can control and dispose of the revenues or lands of the United States. Hence, some of their leaders have proclaimed on the stump, that it is necessary to prostrate the slave oligarchy in order to extend the pension system, make or repair harbors, and achieve all contemplated works of internal improvement. The 15th plank of their platform declares such works "are authorized by the Constitution and justified by the OBLIGA-

TIONS OF THE GOVERNMENT TO PROTECT THE LIVES AND PROPERTY OF ITS CITIZENS"—excepting, of course, slave property, which they deny the obligation of the Government to protect anywhere, and Mr. Douglas denies its obligation to protect in the Territories.

Is it surprising that Mr. Douglas's nomination should be desired by leading black-republicans? He agrees more with them than with States-rights or strict construction men, whether democrats or oppositionists.

He goes for enlarging the pension system—so do the republicans. He goes for bounties to mail steamers and telegraph companies—so do the republicans. He goes for distribution of the public lands among the States FOR AGRICULTURAL COLLEGES—so do the republicans. He goes for giving away the public lands to natives and foreigners, and securing them against taxes and executions, so as to fill the Territories with squatter sovereigns—so do the republicans. He asserts the right of those squatter sovereigns to exclude slavery from the Territories—so do the republicans. He admits the constitutional power of Congress to prohibit slavery from the Territories—so do the republicans. He refused in 1850 to give power to the territorial legislatures of Utah and New Mexico to protect slave property—refused to remove the obstruction of the Mexican laws—voted for a proposition to exclude the conclusion that slavery might be taken into them—and for another expressly prohibiting its introduction into them—and for yet another to keep in force Mexican laws prohibiting it; all of which votes he would now excuse by pleading instructions of his legislature, but which he could not, as an honest man and patriot, have given if he had not believed the Constitution, which he had sworn to support, empowered Congress to exclude slavery. All these votes black-republicans approve.

In view of these accordances, and of his co-operation with them in opposing the Administration, the South, and the democratic party—by resisting the admission of Kansas under the Lecompton constitution—and the disorganization and division that he has produced in the Northern wing of our party, and now threatens in the Southern wing—is it not natural that Greeley, Webb, and other black-republicans should sympathize with him and desire his nomination at Baltimore?

If he should be elected President, millions of dollars might be annually appropriated for rivers, harbors, ocean steamers, and other works to aid commerce, and the whole public domain given away to colleges or to native and foreign squatters for free farms, with his sanction, at the expense of the planting States; the course of the democratic party as directed by Monroe, Jackson, Polk, Pierce, and BUCHANAN, be changed, and all the old State-rights landmarks of the constitutional power of Congress be disregarded and obliterated. Should the South violate the principles they taught and she has maintained so long, surrender her right to share in the Territories, agree to distribution of the public lands among the States, or their donation in free farms, abandon all future revenue from that source, and endure the additional taxation imposed thereby, as well as by appropriations to those works of internal improvement which local interests are always seeking, to insure the election of a President, and secure the spoils for the democratic party? Will Virginia, the Carolinas, Georgia, and the Gulf States adopt distribution, internal improvements, and free farm donations by Congress as democratic measures, or support their advocate? I trust not. I know that Alabama will not, if the voice of her people be fairly and fully expressed.

But I am told that Judge Douglas asserted the other day (sickness prevented my hearing or reading his speech) that our delegates at Charleston did not truly represent the sentiments of the democratic party of Alabama; and, in harmony with his assertion, I see that a call has been made by a few members of that party—some of them new converts—for a convention at Selma or Montgomery of democrats and OTHERS who wish the State represented at Baltimore and will support the nominees there selected for the purpose of choosing delegates. Thus it is proposed to avoid open discussion and a fair trial before the people whether they will sustain their delegates at Charleston, and what they think "best to be done," and to gather in a separate convention at Selma not only professed democrats, but *all "others"* who agree with them about sending delegates to Baltimore—summoning, as it were, a packed jury, predetermined to condemn our late delegates to Charleston, to surrender the principles of the democratic party, and the rights of the State, to lower her flag, and lend her aid to the delegates from black-republican States of the North in forcing a platform and a candidate upon the democratic States of the South and of the Pacific coast. Shall the democracy of Alabama accept a squatter-sovereignty or free soil (for they are synonymous) platform and candidate, such as Michigan and Vermont may dictate? If not, they should prevent this unauthorized, irregular, and heterogeneous convention at Selma or Montgomery from usurping the power to misrepresent them, by directing the delegates of the democratic party assembled in convention at Montgomery, according to usage and by authority, to send the same delegates to both Richmond and Baltimore, with instructions to suspend action at the former place until the convention at the latter shall have adjourned, and to assert at both places the principles of the platform of the Southern and Pacific States at Charleston.

If the Baltimore Convention reject the regular and real democratic delegates from Montgomery, and admit the disorganizing and spurious delegates from the Selma or Montgomery convention, it will plainly indicate the purpose of the Northern majority to subdue the South to its will, regardless of her rights, will demoralize the body, and drive from it all the true friends of the South. If it admit the regular delegates, chosen according to our party usage, I think they will be able to obtain a recognition of our rights in both the platform and the candidate. If the Northern majority persist in refusing both, the delegates of the Southern States may then at last be brought to stand together in defence of their constitutional rights, and will be sustained by the Pacific States, and, I think, by both Pennsylvania and New Jersey.

I would make no concession of principle, but I would mortify my pride, if necessary, by making another appeal to "the sober second thought" of our Northern allies to accord us that universal right of the citizens of all, even partially free governments, now enjoyed by our Northern brethren without stint or denial—protection of our property by our common Government.

Were I a member of the Montgomery convention, I would show my confidence in the integrity, patriotism, and ability of such of the late delegates to Charleston as will stand by the State, the South, and the democratic party and its usages in Alabama, by renewing their commissions as delegates to the Richmond and Baltimore Conventions. Such a course would not only defeat the efforts to misrepresent the party at the latter place, but would go far towards disabusing the public mind of the false

impression which Mr. Douglas and his supporters are striving to make, that the seceding delegates at Charleston and those who sustain them are disunionists and their withdrawal made for the purpose of effecting a dissolution of the Union. He and his followers have borrowed this battle cry of Union, and denunciation as disunionists of those who love not the Union less but the Constitution and State rights more than they do, from the black-republicans; who have made it a plank in their platform, and who pronounce all Southern men disunionists who stand upon even the Georgia platform of 1850, and would resist the abolition of slavery in this District, or the Territories, the repeal of the fugitive slave law, &c., &c.

If the Southern people can be terrified and driven by this false and delusive cry—like irrational beasts to the slaughter—to forswear their faith, yield their rights and abandon their own delegates in Convention, their own Senators and Representatives in Congrets, who have dared to claim what no just government would refuse, then is the South doomed to worse shame, subjugation, and vassalage than Ireland or Hungary now endures.

In conclusion, I hope the delegates to Charleston from Alabama will be sustained, that the principles of the Southern and Pacific States' platform will be maintained, and that the rights and honor of the State will be preserved by the democracy of the State, both in their primary meetings and in the convention to be assembled at Montgomery.

To save the time and labor necessary to reply severally to many such letters as yours, I shall publish this answer.

I am, respectfully your friend,

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